

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Michael Dwayne Small

Docket No. 7:08-CR-131-1D

Petition for Action on Supervised Release

COMES NOW Robert K. Britt, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael Dwayne Small, who, upon an earlier plea of guilty to Conspiracy to Possess with the Intent to Distribute in Excess of 50 Grams of Crack Cocaine, in violation of 21 U.S.C. § 846, was sentenced in the District of South Carolina, by the Honorable Cameron McGowan Currie, U.S. District Judge, on January 29, 2001, to the custody of the Bureau of Prisons for a term of 131 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional condition:

The defendant shall participate in a program of treatment for drug and alcohol abuse as directed by the probation officer until such time as the defendant is released from the program by the probation officer.

On March 17, 2008, the term of imprisonment was reduced to 92 months. Michael Dwayne Small was released from custody on March 26, 2008, at which time the term of supervised release commenced. On October 17, 2008, jurisdiction was transferred to Eastern North Carolina from the District of South Carolina.

On December 15, 2011, Mr. Small was charged in Cumberland County, North Carolina, with Driving While License Revoked (11CR742043). On December 29, 2011, he was again charged with Driving While License Revoked/Revoked Tag (11CR715961) and No Insurance/Open Container (11CR715962) in Robeson County, North Carolina. In response to these violations, the court ordered that he serve 2 consecutive weekends in jail which he completed. On June 24, 2012, Mr. Small was again charged in Robeson County, North Carolina with Driving While License Revoked (12CR707828). He admitted to this violation and the court ordered that he complete 24 hours of community service work as a sanction for this conduct. He has not started the community service work to date.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On November 4, 2012, Mr. Small was again charged in Robeson County, North Carolina, with another count of Driving While License Revoked (12CR4638). He admits to driving and states that he was transporting his mother to church at the time. This constitutes Mr. Small's fourth charge of Driving While License Revoked since his release. It is therefore recommended that the previously imposed sanction of 24 hours community service work be stricken and that Mr. Small be ordered to serve 7 days in confinement as an amended sanction for this continued conduct.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 7 days, commencing as arranged by the probation office and shall abide by all rules and regulations of the designated facility. Additionally, the previously imposed 24 hours of community service work is hereby stricken.

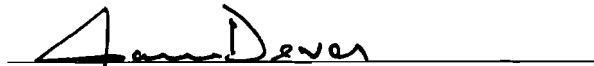
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: November 9, 2012

ORDER OF COURT

Considered and ordered this 21 day of November, 2012, and ordered filed and made a part of the records in the above case.


James C. Dever III
Chief U.S. District Judge